

involuntary dismissal. The 21-day window for Plaintiffs to oppose Defendant's motion expired on April 27, 2017. M.R. Civ. P. 7(c).

II. Standard of Review

A defendant may move to dismiss a claim for the failure of a plaintiff to comply with a court order. M.R. Civ. P. 41(b)(2). The Law Court has held that the reviewing court should, in its discretion, evaluate the circumstances of the case as to whether there exists "good cause" to the contrary of the dismissal. *West Point-Pepperell v. State Tax Assessor*, 1997 ME 58, ¶ 7, 691 A.2d 1211 ("the 'good cause' showing for keeping an action on the docket, explicit only in Rule 41(b)(1), is also applicable to 41(b)(2)".) Involuntary dismissal "should be exercised only with full appreciation and consideration of the plight of the plaintiff," and the trial courts should consider a lesser sanction than dismissal. *Westbrook v. Wallace*, 478 A.2d 687, 689-690 (Me. 1984). An involuntary dismissal operates as an adjudication upon the merits unless otherwise specified by the court. M.R. Civ. P. 41(b)(3).

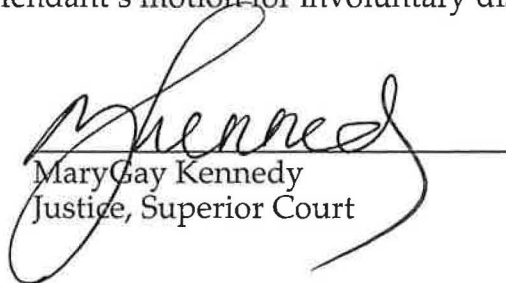
III. Discussion

Plaintiffs have provided no facts to the court to support a showing of good cause to the contrary for dismissing this complaint, other than a reference to the "voluminous" file sent to them by their first attorney. (Pl.s' Mot. to Extend Time ¶ 1.)

IV. Conclusions

For these reasons, this court grants Defendant's motion for involuntary dismissal with prejudice.

Date: 6/29/17


Mary Gay Kennedy
Justice, Superior Court

